

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------------|---|--------------------------------------|
| TYREE WALLACE, | : | CIVIL ACTION NO. 1:10-CV-0948 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| JANE DOE, , et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 12th day of January, 2011, upon consideration of plaintiff's motion for appointment of counsel (Doc. 37), and assuming that plaintiff's Eighth Amendment inadequate medical care and conditions of confinement claims brought pursuant to 42 U.S.C. § 1983, have an arguable basis in law or fact, and it appearing from the complaint, various motions filed by plaintiff, including, *inter alia*, a recent motion for reconsideration (Doc. 45), and other pertinent documents filed by plaintiff (Docs. 17, 18, 28), that he is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority, that resolution of the pending motion for summary judgment neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses as the basis of the motion is plaintiff's alleged failure to exhaust his administrative remedies, and in light of the fact that all discovery is presently stayed (Doc. 47) pending disposition of defendants' motion for summary judgment, see Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel) it is hereby ORDERED

that the motion (Doc. 37) is DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of petitioner.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge